IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 22315 of 2003

Between:

Smt. N. Parvathamma W/o Ramaswamy Chetty
r/o D. No. 111-145-9-6/4, Siddartha Colony Krishna Nagar Extension, Madanapalle, Chittoor District

..... PETITIONER

AND

1 the Vice-President and Authorised Signatory, ING Vysya bank limited
Madanapalle, Branch, Madanapalle, Chittoor Dsitrict
2 The Union of India rep by its, Secretary, Ministry of Finance
(Banking Division) Jeevandeep Buildings, Sansadmarg, New Delhi

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the provisions of Section 13 (2) of the securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 as unconstitutional and violative of Art 14 of the Constitution of India and to consequentially declare the notice issued by the 1st respondent 24-6-2003 as illegal and to direct the respondents herein to act in accordance with the law

W.P.M.P.NO. 27915 OF 2003

Petition under Section 151 CPC praying the High Court to grant stay of all further proceedings pursuant to the notice dated 24.6.2003 issued by the first respondent herein under the provisions of Securitisation and Reconstruction of Financial Assets and enforcement of security interest Act, 2002, pending disposal of the writ petition No. 22315 of 2003 on the file of thisCourt.

For the Petitioner:MR.MD.SALEEM Advocate.

For the Respondent No. 2: MR.A.RAJASHEKAR REDDY (SC FOR CG)
For the Respondent No.1: MR.ADDEPALLI SURYANARAYANA

The Court Made the Following :
ORAL ORDER (Per Hon'ble The Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, relief prayed for cannot be granted.

The Writ petition, therefore, is dismissed. W.P.M.P. also stands dismissed.

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DEVINDER GUPTA, CJ

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G. ROHINI, J.

23rd day of June, 2004
pnb

To
1.The Vice President and authorized Signatory, ING Vysya Bank Ltd, Madanapalle Branch, Chittor District.
2. The secretary, Union of India, Ministry of Finance (Banking division) Jeevandeep buildilngs, Sansadmarg, New Delhi
3. Two C D copies.